



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

MINUTES OCTOBER 9, 2007

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Rob Melillo, Jack Knapp and Alternate Patrick Johnston. Also present were Deputy Planning Director Sharon Calitro and Planning Director Dennis Elpern.

Absent were Richard P. Jowdy, Donald Kennedy and Alternate Victoria Hickey.

Chairman Knapp asked Mr. Johnston to take Mr. Kennedy's place for the items on tonight's agenda.

Mr. Farah led the Commission in the Pledge of Allegiance.

Chairman Knapp announced that the following matter has been withdrawn:

Taranjit (Tony) S. Randhawa d/b/a Express Fuels & Food Mart, 25 Mill Plain Rd. (#E15025)
- Application for a Certificate of Location Approval to Permit the Sale of Gasoline.

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Mr. Farah made a motion to do the petition listed under Old Business first before the public hearings. Mr. Melillo seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 3.E.3., 6.A., 6.B. & 6.C. of the Zoning Regulations. (Revise Industrial Zones). *Public hearing closed 9/25/07- 65 days to make decision will be up on 10/2/07.*

Mr. Haddad excused himself as he is abstaining from this matter. Mr. DiCaprio announced that he had listened to the tapes of the August 28, 2007 meeting so he was now eligible to vote on this.

Mr. Melillo made a motion to approve this petition with the amendments listed in the September 25, 2007 memo from the Planning Director and also the addition of Health Centers as a Special Exception use in the IL-40 zones only. Mr. Farah seconded the motion. Mr. Elpern said they need to include the reasons stated in the memo also. Mr. Melillo amended his motion to include the reasons stated in the referenced memo. Mr. Farah amended his second. Chairman Knapp called a roll call vote and the motion was approved with five AYES (from Mr. Farah, Ms. Hoffstaetter, Mr. Melillo, Mr. Johnston and Chairman Knapp) and two NAYS (from Mrs. Buzaid

and Mr. DiCaprio). There were two abstentions recorded, one being Mr. Haddad and the other being the member who is absent since there is no Alternate to take his place.

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PUBLIC HEARINGS:

7:30 PM – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 4.A.8. of the Zoning Regulations. (Add "Pleasant Street RA-8 Overlay Zone")

Ms. Hoffstaetter read the legal notice. Mr. Farah read the Planning Commission recommendation which was positive. Dennis Elpern read the Planning Dept. Staff Report dated August 27, 2007. He said the overlay zone will encompass all lots zoned RA-8 which have lot frontage on Pleasant St. from Park Ave. to West Wooster St. He said churches and parks have been switched to special exception uses. All other uses allowed in RA-8 besides single family and these two have been deleted from this overlay zone. He described the setback changes and said this is very similar to the Deer Hill overlay zone. He then submitted a packet of information which was prepared by the Danbury Preservation Trust in 1984 titled "*Deer Hill Avenue Survey, First Installment and Historic Resources Inventory, Buildings and Structures*". Chairman Knapp said this would be Exhibit A.

Chairman Knapp asked if there were others to speak in favor of this petition and several people came forward.

Robin Howell, 29 Pleasant St., said the entire neighborhood supports this and hopes the Commission will approve it. They feel strongly that this neighborhood needs to be protected in order to maintain the character of the neighborhood. She submitted a petition signed by the residents of Pleasant St. Chairman Knapp said this would be Exhibit B. One of the residents who was sitting with Ms. Howell asked that it be noted that 7 of the 12 people in the audience were here in favor of this petition.

Paul Rotello, 13 Linden Pl. said he is speaking as representative of the sixth ward which includes Pleasant St. There are a few undeveloped buildable lots left on this street and this will not prevent them from being used, it will just prevent any new lots from being cut out of existing lots. He said he grew up on Pleasant St. and this is long overdue. The beautiful streets and historic nature of this area deserves to be maintained. This is an old stable community with great overhanging trees. He reiterated that this will not affect any existing building lots, they might be non-conforming but they will still be able to be developed. He said this is so important and there is no down side to approving this petition. In closing he said that nothing will be changed on Pleasant St., it is essentially perfect the way it is and approval of this will make sure it stays that way.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and there was no one.

Ms. Hoffstaetter made a motion to close the public hearing. Mr. Melillo seconded the motion. Mrs. Buzaid asked why the north end of the street was not included. Mr. Elpern said because it is zoned R-3. Chairman Knapp called for a vote on the motion to close the public hearing and it was

passed unanimously. Mr. Melillo then made a motion to move this to item #2 under the Old Business on tonight's agenda. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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7:40 PM – Petition of the City of Danbury by Dennis I. Elpern, 67, 69, 71, 75-79 Newtown Rd., 1 Plumtrees Rd. & Un-numbered Road Widening Parcel on Newtown Rd.(#L11035, #L12032, #L12036, #L11037, #L11036, #L11033, #L12033 & #L11040) for a Change of Zone from CL-10 to CG-20 & IG-80.

Ms. Hoffstaetter read the legal notice. Mr. Farah read the Planning Commission recommendation which was positive. Mr. Elpern read the Planning Dept. Staff report dated October 1, 2007 into the record. He said there are two changes proposed both of which will bring this area into compliance with the Plan of Conservation & Development. He explained that Berkshire Shopping Center and several adjacent parcels are zoned CL-10, although they clearly are not what one would consider to be 'light' commercial. Since the commercial zones were amended in June 2007, these uses have become non-conforming. This zone change to CG-20 would make the zoning consistent with uses of the lots. There is one additional lot to the rear of the shopping center that is zoned CL-10, even though it is surrounded on three sides by the IG-80 Zoning District. Much of this parcel is covered by wetlands and cannot be developed. Both of these changes would make the zoning consistent with existing land development patterns. There were no questions from the Commission.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and there was no one.

Mr. Farah made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this to item #3 under the Old Business on tonight's agenda. Mr. Farah seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 4.A.8. of the Zoning Regulations. (Add "Pleasant Street RA-8 Overlay Zone")

Mr. Melillo made a motion to approve this petition for the following reasons:

- The proposed overlay zone complies with the Plan of Conservation & Development. This overlay zone will prevent the intrusion of incompatible land uses and new buildings with unsympathetic architectural styles, maintain the yards and spaces between buildings, and preserve established landscaping and appearances from the street.

Mr. Johnston seconded the motion. There was no discussion, so Chairman Knapp called a roll call vote and the motion to approve was passed with eight AYES (from Mrs. Buzaid, Mr.

DiCaprio, Mr. Farah, Mr. Haddad, Ms. Hoffstaetter, Mr. Melillo, Mr. Johnston and Chairman Knapp) and one abstention (for the member who is absent since there is no Alternate to take his place).

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Petition of the City of Danbury by Dennis I. Elpern, 67, 69, 71, 75-79 Newtown Rd., 1 Plumtrees Rd. & Un-numbered Road Widening Parcel on Newtown Rd.(#L11035, #L12032, #L12036, #L11037, #L11036, #L11033, #L12033 & #L11040) for a Change of Zone from CL-10 to CG-20 & IG-80.

Ms. Hoffstaetter made a motion to approve this petition for the following reasons:

- This change will bring the current uses of these parcels into conformity with the uses permitted in the CG-20 zone. The rezoning is consistent with the Plan of Conservation & Development that recommended that upon amending the CL-10 zoning district to reflect limited commercial development, properties zoned CL-10 should be reviewed and, where advisable, rezoned to other commercial zoning districts more appropriate to their existing uses. In addition, this change will add land to the IG-80 zoning district by rezoning land to be consistent with surrounding zoning districts.

Mr. Farah seconded the motion. There was no discussion, so Chairman Knapp called a roll call vote and the motion to approve was passed with eight AYES (from Mrs. Buzaid, Mr. DiCaprio, Mr. Farah, Mr. Haddad, Ms. Hoffstaetter, Mr. Melillo, Mr. Johnston and Chairman Knapp) and one abstention (for the member who is absent since there is no Alternate to take his place).

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Chairman Knapp noted that there was nothing under New Business, Other Matters or Correspondence. He added that since there also was nothing listed under For Reference Only, there would be no meeting on October 23, 2007. Since there was no further business, Mr. Johnston made a motion to adjourn. Mr. Farah seconded the motion and it was passed unanimously.